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LEGISLATIVE HISTORY

Public Law 87-540
H. J. Res. 809

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INDEX AND SUMMARY OF H. J. RES. 809

- July 9, 1962 Sen. Ellender introduced S. J. Res. 210 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- July 11, 1962 Rep. Cooley introduced H. J. Res. 809 which was referred to the House Agriculture Committee. Print of bill as introduced.
- July 12, 1962 House committee reported H. J. Res. 809 without amendment. H. Report No. 1975. Print of bill and report.
- House passed H. J. Res. 809 without amendment.
- July 13, 1962 Senate received and passed H. J. Res. 809 without amendment.
- Print of H. J. Res. 809 as passed by Senate.
- July 19, 1962 Approved: Public Law 87-540.

DIGEST OF PUBLIC LAW 87-540

DEFERRAL OF WHEAT REFERENDUM. Extends from July 25, 1962 until August 31, 1962, the final date for conducting the referendum on 1963 marketing quotas for wheat.

S. J. RES. 210

IN THE SENATE OF THE UNITED STATES

JULY 9, 1962

Mr. ELLENDER introduced the following joint resolution; which was read twice
and referred to the Committee on Agriculture and Forestry

JOINT RESOLUTION

To extend the time for conducting the referendum with respect
to the national marketing quota for wheat for the marketing
year beginning July 1, 1963.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That section 336 of the Agricultural Adjustment Act of 1938,
4 as amended, is amended by adding at the end thereof the
5 following: "Notwithstanding any other provision hereof, the
6 referendum with respect to the national marketing quota for
7 wheat for the marketing year beginning July 1, 1963, may
8 be conducted not later than August 31, 1962."

I

87TH CONGRESS
2d Session

S. J. RES. 210

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

By Mr. Ellender

JULY 9, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

H. J. RES. 809

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1962

Mr. COOLEY introduced the following joint resolution; which was referred to the Committee on Agriculture

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That section 336 of the Agricultural Adjustment Act of
4 1938, as amended, is amended by adding at the end thereof
5 the following: "Notwithstanding any other provision hereof,
6 the referendum with respect to the national marketing quota
7 for wheat for the marketing year beginning July 1, 1963,
8 may be conducted not later than August 31, 1962."

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

By Mr. COOLEY

JULY 11, 1962

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued July 13, 1962
For actions of July 12, 1962
87th-2d, No. 118

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HIGHLIGHTS: House committee reported farm bill. House passed measure to extend wheat referendum to August 31, 1962. Senate committee reported bill for disposal of stocks of extra long staple cotton. House passed foreign aid authorization bill

HOUSE

1. FARM PROGRAM. The Agriculture Committee reported with amendment H. R. 12391, the new farm bill (H. Rept. 1976). p. 12559
2. FOREIGN AID. Passed with amendment S. 2996, the foreign aid authorization bill, after substituting the language of a similar bill, H. R. 11921. (H. R. 11921 had been passed earlier in the day with amendments by a vote of 250 to 164. (pp. 12486-541) Conferees were appointed (p. 12541).

Agreed to the following amendments:

By Rep. Casey, by a vote of 277 to 4, as amended by an amendment by Rep. Morgan, to give the President discretionary authority to furnish assistance to communist countries when he finds it to be in the national interest. pp. 12486-512

By Rep. Hardy, to provide that the President shall establish procedures to insure that foreign aid is not used to promote projects and activities of the Communist-bloc countries. p. 12512

By Rep. Rogers, to provide that no assistance shall be furnished to the present Government of Cuba, or to any country which furnishes assistance to that Government, unless the President finds it to be in the national interest. pp. 12514-5

Rejected the following amendments:

By Rep. Barry, to provide that surplus commodities sold to foreign countries under Public Law 480 shall be sold at rates of exchange not less favorable than the highest rates legally obtainable from the governments of the purchasing countries. pp. 12527-8

By Rep. Fino, to provide that no assistance shall be provided under this bill or under Public Law 480 to any country which does not share the view of the U. S. on the world crisis. pp. 12515-6

3. WHEAT REFERENDUM. Passed without amendment H. J. Res. 809, to provide that the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, may be conducted not later than August 31, 1962 (p. 12544). This measure had been reported without amendment earlier in the day by the Agriculture Committee (H. Rept. 1975)(p. 12559).
4. SMALL BUSINESS. Received the conference report on S. 2970, to increase the revolving fund of the Small Business Administration (H. Rept. 1974). pp. 12541-2
5. ELECTRIFICATION. Rep. May urged approval of proposed legislation to authorize construction of electric generating facilities at the new production reactor at Hanford, Wash. pp. 12552-3
6. WATER RESOURCES. Received from the Department of the Army several reports of the Corps of Engineers on rivers and harbors and flood control projects. p. 12559
7. LEGISLATIVE PROGRAM. Rep. Albert announced the following program: Fri.: H. R. 8050, importation of honeybees and allocation of sugar quotas to Western Hemisphere countries; Mon.: the new farm bill, if a rule is granted. p. 12544

SENATE

8. COTTON. The Agriculture and Forestry Committee reported without amendment H. R. 10595, to facilitate the sale and disposal of Government stocks of extra long staple cotton (S. Rept. 1724) (p. 12396). See Digest No. 80 for provision of this bill.
9. BUDGETING; APPROPRIATIONS. Sen. Dirksen commended and inserted a letter from Sen. Robertson to the Speaker of the House urging House action on S. 529, a bill to create a joint committee on the budget, which contains a provision that such a joint committee would select its own chairman, and that the chairmanship would rotate between the House and the Senate, with the chairmanship going to the House of Representatives in the even-numbered years and to the Senate in the odd-numbered years. This bill passed the Senate in the 1st session of the current Congress and is now pending in the House Rules Committee. pp. 12413-4
10. MIGRATORY LABOR. Agreed to without amendment S. Res. 360, increasing from \$50,000 to \$70,000 the funds for investigation of migratory labor. p. 12480
11. LANDS. The Interior and Insular Affairs Committee reported with amendment S. 1161, to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation (S. Rept. 1723). p. 12396

EXTENSION OF TIME FOR WHEAT REFERENDUM

JULY 12, 1962.—Ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

R E P O R T

[To accompany H.J. Res. 809]

The Committee on Agriculture, to whom was referred the joint resolution (H.J. Res. 809) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

This resolution, which was reported unanimously by the Committee on Agriculture, would defer from July 25, 1962, to August 31, 1962, the final date for the referendum on 1963 marketing quotas for wheat.

In the absence of this legislation, the Secretary of Agriculture will be required by law to go ahead with plans for the referendum on or before July 25, even though the Congress might pass legislation rendering that referendum ineffective and necessitating another referendum. Enactment of this joint resolution, therefore, may result in a substantial saving in administrative and printing costs.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no changes is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

* * * * *

REFERENDUM

SEC. 336. Between the date of the issuance of any proclamation of any national marketing quota for wheat and July 25, the Secretary shall conduct a referendum, by secret ballot, of farmers who will be subject to the quota specified therein to determine whether such farmers favor or oppose such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the effective date of such quota, by proclamation suspend the operation of the national marketing quotas with respect to wheat. *Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, may be conducted not later than August 31, 1962.*

○

H. J. RES. 809

[Report No. 1975]

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1962

Mr. COOLEY introduced the following joint resolution; which was referred to the Committee on Agriculture

JULY 12, 1962

Reported without amendment; considered and passed

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

- 1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That section 336 of the Agricultural Adjustment Act of
4 1938, as amended, is amended by adding at the end thereof
5 the following: "Notwithstanding any other provision hereof,
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[Report No. 1975]

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

By Mr. COOLEY

JULY 11, 1962

Referred to the Committee on Agriculture

JULY 12, 1962

Reported without amendment; considered and passed

ing on a unique spiritual significance. Such has been the case with the Medal of Honor.

The Medal of Honor is not the Army's oldest medal. General Washington authorized the Purple Heart during the Revolution. It honored and still honors those who have shed their blood for their country. Nor is the Medal of Honor the only medal awarded for bravery. But the Army has created a system of decorations in ascending order, with the lowest awards being the most widely distributed and the Medal of Honor reserved as the supreme award. Through legislation, precedent, and procedure, a "pyramid of honor" has been built and the Medal of Honor is at its pinnacle, epitomizing valor and heroic action. The Army has recognized that there are degrees of courage and service to the Nation over and above that normally given by a good soldier. While all these deeds deserve recognition, there remains to be singled out those extraordinary acts of personal bravery that clearly lift an individual above his comrades. Thus members of the Army of the United States, who demonstrate extraordinary heroism in actual conflict, become eligible to receive the Army's Medal of Honor.

While courage is common in combat, and while all men who face fire must be brave, only 2,199 heroes have received the coveted Army Medal of Honor since its institution 100 years ago.

To protect the medal and to preserve its luster, the Nation has taken several steps. The medal may be awarded only by the President of the United States. To single out the awardees, the Medal of Honor Roll was established by the Congress in 1916. In 1961 an amendment to the law provided that at the age of 50, each Medal of Honor awardee may have his name inscribed on this honor roll and receive the sum of \$100 a month for life. Sons of Army Medal of Honor recipients, otherwise qualified, are not subject to quota requirements for admission to the United States Military Academy. These are some of the ways a grateful nation attempts to make the Medal of Honor recipients a breed apart.

The men whose names are inscribed on the Medal of Honor Roll have exemplified the ideal on which the medal was founded. It is an ideal which has its wellsprings in all that is best in human courage. Looking back over our history, we can see it is Ticonderoga, Gettysburg, the Marne, Normandy, and Heartbreak Ridge. It is an Iowa farm home, a mountaineer's cabin, a big city apartment, an Indian reservation. For all of these have sent forth their men to write the pages of freedom's history.

It is the 14-year-old drummer boy who, severely wounded and under heavy fire, remained on the field at Vicksburg until he had reported to General Sherman the need for more cartridges. It is the doughboy who single-handedly captured a German machine gun emplacement and forced his prisoners to carry our wounded to safety. It is the sergeant on Leyte who deliberately threw himself on a live grenade to save his comrades.

It was with the Medal of Honor that a grateful nation honored these supremely

brave men and those others who gave the last full measure of devotion.

Today, when our Nation has critical need of the spirit and fervor that inspired the men who won the Army's Medal of Honor, it is well to reflect on that medal's history and on the tradition of valor it represents. Consideration of that history and tradition will strengthen us in our convictions and will, I trust, inspire all Americans to so act that their own lives reflect those high ideals and traditions that the Medal of Honor represents, and for which its winners have sacrificed so much.

DIRECTOR OF THE FBI SHOULD BE APPOINTED BY THE PRESIDENT AND CONFIRMED BY THE SENATE

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include a letter from the Assistant Attorney General.)

Mr. MICHEL. Mr. Speaker—

The President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers of the United States, whose appointments are not herein otherwise provided for, but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Thus reads the mandate of article II, section 2 of the Constitution. By its clear language only inferior officers may be appointed without confirmation by the Senate. In the light of this provision it is surprising to discover that the Director of the Federal Bureau of Investigation is neither appointed by the President, nor confirmed by the Senate. Indeed, although there are numerous statutes which impose specific duties upon the FBI or its agents, the existence and organization of the Bureau itself rest entirely on administrative orders of the Attorney General.

The Director is designated by the Attorney General under a 92-year-old statute which authorizes him to require any officer of the Department to perform any duty required of the Department or any officer thereof—5 U.S.C. 311. Exercising this authority in 1908, Attorney General Bonaparte set up a small staff to handle investigations. In the following year this group was given the name Bureau of Investigation. Its present director, J. Edgar Hoover, was assigned to this post in 1924 by the then Attorney General, Harlan Fiske Stone.

Perhaps this position was properly treated as an inferior office in 1908. At that time there was no Lindbergh anti-kidnaping law, no fugitive felon law, no penalties for interstate transportation of stolen property, or for the destruction of aircraft.

Crime was typically an isolated and sporadic occurrence. It had not yet become the tightly organized and well financed interstate and international organization it is today. Nor was the Nation then honeycombed with a network of spies and saboteurs bent on un-

dermining our Government to serve a foreign power.

Whatever the situation a half century ago, the position of Director of the FBI clearly is no longer an inferior office. It is anomalous that scores of lesser officers in the Department of Justice, notably all U.S. attorneys and U.S. marshals, are appointed by the President and confirmed by the Senate, but the Director of the FBI is not.

To develop and maintain an organization capable of outwitting spies, kidnapers, and the master minds of organized crime, without infringing the civil liberties of the citizen or becoming an instrument of political blackmail, demands the highest order of courage, integrity, experience, and capacity for leadership. As the framers of the Constitution recognized, the probability that the best available man will be appointed to high office is enhanced, when the responsibility for selection is lodged in the Chief Executive, and made subject to careful scrutiny by the Senate. We can no longer afford to entrust the great responsibilities discharged by the FBI to an agency whose existence and leadership are left to the discretion of a cabinet officer. The time has come to give it an assured legal status by passing a law to provide for its organization and functions. The time has come, too, to require that its director be appointed by the President, with confirmation by the Senate. By this action, we will give the people the greatest possible assurance that the high standards of service attained under J. Edgar Hoover will be perpetuated.

Mr. Speaker, I am, therefore, introducing a bill today to provide that the Director of the Federal Bureau of Investigation shall hereafter be appointed by the President, by and with the advice and consent of the Senate; and I would like to include, under unanimous consent, Mr. Speaker, the letter of Mr. Harold F. Reis, Acting Assistant Attorney General, Office of the Legal Counsel, dated May 25, 1962, at this point in the RECORD:

DEPARTMENT OF JUSTICE,
Washington, D.C., May 25, 1962.

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MICHEL: The Attorney General has requested me to reply to your letter of May 10, 1962, in which you inquire whether the appointment of a new Director of the Federal Bureau of Investigation would require the advice and consent of the Senate. Under the law, the Attorney General and his assistants in the Department of Justice are authorized to give legal advice only to the President and the heads of departments. I therefore regret that I cannot render the opinion requested by you.

For your information, however, I wish to outline briefly the legal considerations underlying your inquiry. Under article II, section 2, clause 2 of the Constitution, the President shall appoint the officers of the United States, by and with the advice and consent of the Senate. Congress, however, has the power to vest the appointment of inferior officers in the President alone, the courts of law, and the heads of departments. 5 U.S.C. 300 authorizes the Attorney General to appoint officials vested with the authority for the execution of duties of detection and prosecution of crimes against the United States and the maintenance, etc. of criminal identification records. The predecessor to

this section served as the basis for the appointment in 1924 of Mr. Hoover by Attorney General Stone.

The Code refers to the current Department of Justice Appropriation Act as the source of 5 U.S.C. 300. This would seem to be technically incorrect because from 1928 on, the Department of Justice Appropriation Acts have not contained a clause expressly authorizing the Attorney General to appoint the FBI personnel. A proviso to that effect was included in the Department of Justice Appropriation Acts for the fiscal years 1922 to 1928, but not in the subsequent ones. The House Judiciary Committee, which supervises the preparation and publication of the United States Code (1 U.S.C. 202), apparently felt that this proviso constitutes permanent substantive legislation which does not have to be repeated annually.

A similar position was taken by the staff and possibly by the Subcommittee on Revision of the Laws of the House Judiciary Committee itself, which has been preparing legislation enacting title 5 of the United States Code into positive law and transferring to title 28 some of the sections now found in title 5. The comments on proposed 28 U.S.C. 533, which would confer on the Attorney General the authority to appoint special agents of the Federal Bureau of Investigation, explain that the section would be derived from the proviso of the Department of Justice Appropriation Act for fiscal 1922—enacted in 1921—which vested in the Attorney General authority to appoint officials charged with the detection and prosecution of crimes. Revision of title 5, United States Code, entitled "Government Organization and Personnel," report from the Committee on the Judiciary, House of Representatives, to accompany H.R. 8748, 86th Congress, 2d session, committee print, page 118. The provisions of the United States Code, of course, establish prima facie evidence of the law. (Act of June 30, 1926, sec. 2, 44 Stat. (pt. 1) 1.)

I hope that the information contained in this letter will be of assistance to you.

Sincerely,

HAROLD F. REIS,
Acting Assistant Attorney General,
Office of Legal Counsel.

LEGISLATIVE PROGRAM

(Mr. HALLECK asked and was given permission to address the House for 1 minute.)

Mr. HALLECK. Mr. Speaker, I have asked for this time for the purpose of inquiring from the majority leader as to the program for tomorrow and the balance of the week.

Mr. ALBERT. Except for a resolution which is to be taken up by unanimous consent, this completes the legislative business for today.

On tomorrow, we will have the conference report on the bill S. 2970, the small business administration bill; and the bill H.R. 8050, the sugar and honey bee bill, to agree to the Senate amendment.

Mr. HALLECK. As I understand it, that will require unanimous consent?

Mr. ALBERT. That will be called up under unanimous consent, and it will require unanimous consent to consider H.R. 8050.

Mr. HALLECK. I think I probably should announce at this time for the information of the Members that certain minority members of the Committee on Banking and Currency have indicated to

me the probability of their making a motion to recommit the conference report on the Small Business Administration bill.

Mr. ALBERT. I would like to make a statement for the benefit of the Members of the House. The chairman of the Committee on Agriculture, the gentleman from North Carolina, has just advised that he would like for us to program the farm bill on Monday, subject, of course, to a rule. I am announcing that at this time so that Members may know that we may have important business on Monday. The program will be announced generally for next week on tomorrow.

Mr. HALLECK. I thank the gentleman.

REFERENDUM ON NATIONAL MARKETING QUOTA FOR WHEAT

Mr. BREEDING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 809) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, and I shall not object, I understand that this resolution extends the wheat referendum from July 25 until the end of August; is that correct?

Mr. BREEDING. Yes, to August 31.

Mr. HOEVEN. I withdraw my reservation of objection, Mr. Speaker.

Mr. DOLE. Mr. Speaker, reserving the right to object, and I shall not object, I might point out as the gentleman knows that this makes it very late, should this August 31 date ever come to pass, for western Kansas wheat producers.

Mr. BREEDING. Yes, I agree with the gentleman from Kansas and I, myself, am not well satisfied with the date of August 31. But, actually, the Secretary can announce a referendum on any date between now and August 31. July 25 is right on us, which is the law today. So if we are going to have additional farm legislation, it seems to me the only thing we can do is to adopt this measure.

Mr. DOLE. The gentleman knows that they start reaping wheat in western Kansas in the latter part of August. I certainly hope they can be considered later when we get into this farm bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof, the referendum with

respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, may be conducted not later than August 31, 1962."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBCOMMITTEE ON FEDERAL AID TO PUBLIC HIGHWAYS PROGRAM OF THE COMMITTEE ON PUBLIC WORKS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Federal Aid to Highways Program of the House Committee on Public Works may meet while the House is in session tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESPECTING CURRENT ACTIVITIES OF THE SMALL BUSINESS ADMINISTRATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, as chairman of the House Select Committee on Small Business, I have noted with considerable satisfaction the report of the Administrator of the Small Business Administration for the last 6 months of the calendar year 1961.

Since small business comprises more than 95 percent of the U.S. total business population, its problems merit due consideration. When the Congress passed the Small Business Act, it was declared in unequivocal language that—

It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise.

The Honorable John E. Horne, the Administrator of that important agency, has given concrete evidence of his desire to fully implement such policy of the Congress. It is reflected in the increased tempo of activities in aiding and assisting the small business segment of the economy. The report of the SBA indicates that small firms were given a greater measure of assistance than in any previous 6 months' period in the history of that agency. A record number of business loans, amounting to more than \$215 million, were approved. Through joint action of the SBA and the various Federal purchasing agencies more than \$1 billion was established for set-asides for small business bidding. The SBA was of particular help in restoring or replacing businesses and homes damaged by hurricanes and other catastrophes. In every sphere of the SBA's activities the emphasis has been on how better to aid and assist small business because of the able administration of Mr. John E. Horne. For this, he deserves public commendation. I, therefore, wish to call to the attention of my

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued July 16, 1962
For actions of July 13, 1962
87th-2d, No. 119

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HIGHLIGHTS: Senate passed measure extending time for wheat referendum until Aug. 31. Senate passed bill to dispose of extra long staple cotton. House Rules Committee cleared honey-bee imports bill for debate on Senate sugar amendment after request for immediate consideration had been objected to. Sen. Proxmire expressed concern about pesticide use. Sen. Lausche reported on food shortage in Communist countries. Sen. Engle discussed possible Common Market effect on fruit exports. Rules Committee granted open rule on Public Law 480 provision of farm bill.

SENATE

1. WHEAT REFERENDUM. Passed without amendment H. J. Res. 809, to extend until Aug. 31 the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963. This measure will now be sent to the President. p. 12634
2. COTTON. Passed without amendment H. R. 10595, which provides for transfer to CCC and disposition of extra long staple cotton now held in the national strategic stockpile. This bill will now be sent to the President. pp. 12634-5
3. FOREIGN AID. Senate conferees were appointed on S. 2996, the foreign-aid authorization bill. House conferees have been appointed. pp. 12631-4
4. SMALL BUSINESS. Agreed to the conference report on S. 2970, to increase the revolving fund under the Small Business Act for disaster and business loans.

The conference report was agreed to by the House earlier in the day. This bill will now be sent to the President. pp. 12668-71, 12573-8

5. HEALTH. Continued debate on H. R. 10606, to extend and improve the public assistance and child welfare services programs of the Social Security Act. pp. 12626-7, 12635-46, 12648-668, 12671-78
6. NOMINATION. Received the nomination of N. Gardner Ackley to be a member of the Council of Economic Advisers. p. 12678
7. APPROPRIATIONS. The Daily Digest states: "Special committees of the Senate and House Committees on Appropriations met jointly in executive session to discuss procedures for the consideration of appropriation measures, but made no announcements, and will meet again on Monday, July 16." p. D584
8. PUBLIC LANDS; RECLAMATION; ELECTRIFICATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 284, to authorize the Fryingpan-Arkansas reclamation project; S. 594, to authorize the Crater-Long Lakes division of the Snettisham project, Alaska; S. 3153, providing that electric consumers in the Pacific Northwest have first call on electric energy generated at certain Federal plants; S. 1192, repealing the prohibition in the Mineral Leasing Act against railroads' holding Federal coal leases for other than railroad purposes; and S. Res. 361, authorizing a study of the disposition of revenues from natural resources from Federal lands. p. D584
9. PESTICIDES. Sen. Proxmire expressed concern about the heavier use of pesticides and inserted an editorial calling attention to Rachel Carson's warning. pp. 12604-5
10. FOOD SHORTAGE. Sen. Lausche called attention to the food shortage in Communist countries as reported in an article by Joseph Alsop which he inserted. pp. 12608-9
11. LAND-GRANT COLLEGES. Sen. Church inserted an article by Rafe Gibbs in commemoration of the 100th anniversary of establishment of the land-grant colleges. pp. 12622-3
12. FRUIT EXPORTS. Sen. Engle expressed concern about the possible effect of the European Common Market on the exportation of fruit from this country. He inserted letters to the State Department from a group of Senators regarding this matter. pp. 12623-4
13. PACKAGING. Sen. Dirksen discussed the possibility of additional legislation regarding packaging of consumer goods and inserted articles suggesting more industry participation in this matter. pp. 2630-1
14. ADJOURNED until Mon., July 16. p. 12678

HOUSE

15. HONEY-BEE AND SUGAR IMPORTS. Rep. Cooley asked unanimous consent to concur in the Senate's sugar amendment to H. R. 8050, to amend the act relating to importation of adult honey bees, but the request was objected to. The Rules Committee then reported a resolution to make the action in order. pp. 12569-71, 12576, 12600

H. J. RES. 809

IN THE SENATE OF THE UNITED STATES

JULY 13, 1962

Received; read twice, considered, read the third time, and passed

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That section 336 of the Agricultural Adjustment Act of
4 1938, as amended, is amended by adding at the end thereof
5 the following: "Notwithstanding any other provision hereof,
6 the referendum with respect to the national marketing quota
7 for wheat for the marketing year beginning July 1, 1963,
8 may be conducted not later than August 31, 1962."

Passed the House of Representatives July 12, 1962.

Attest:

RALPH R. ROBERTS,

Clerk.

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

July 13, 1962

Received; read twice, considered, read the third time,
and passed

(c) In section 507(b), add a new sentence to read as follows: "No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this subsection unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however,* That the Secretary of Defense may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest."

(d) In section 510(a), which relates to special authority, strike out "1962" in the first and second sentences and substitute "1963".

PART III

Chapter 1—General provisions

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) In section 611(a), which relates to completion of plans and cost estimates, strike out "and II" and substitute ", II, and VI".

(b) Strike out section 618, which relates to economic assistance to Latin America, and substitute a new section 618 as follows:

"SEC. 618. USE OF SETTLEMENT RECEIPTS.—United States dollars directly paid to the United States under the Agreement Between the United States of America and Japan Regarding the Settlement of Postwar Economic Assistance to Japan may be appropriated or otherwise made available to the President in any appropriation Act, within the limitations of part I of this Act, to carry out the provisions of that part."

(c) In section 620(a), which relates to prohibitions against furnishing assistance to Cuba, amend the first sentence to read as follows: "No assistance shall be furnished under this Act to the present government of Cuba, or to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national and hemispheric interest of the United States."

(d) In section 620(c), which relates to prohibitions against furnishing assistance to governments indebted to American citizens, insert "or ordered" after "furnished", insert "either" after "remedies and", and immediately before the period at the end thereof insert "or indebtedness arises under an unconditional guaranty of payment given by such government or any predecessor government".

(e) In section 620, which relates to restrictions on assistance to certain countries, add the following new subsection:

"(e) The President shall suspend assistance to the government of any country to which assistance is provided under this Act when the government of such country or any governmental agency or subdivision within such country on or after January 1, 1962—

"(1) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

"(2) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency or government subdivision fails within a reasonable time (not more than six months after such action or after the date of enactment of this subsection, whichever is later) to take appropriate steps to discharge its obligations toward such citizen or entity, including equitable and speedy compensa-

tion for such property in convertible foreign exchange, as required by international law, or falls to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be, and such suspension shall continue until he is satisfied that appropriate steps are being taken and no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

"(f) No assistance shall be furnished under this Act, as amended, to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase 'Communist country' shall include specifically, but not be limited to, the following countries:

"Peoples Republic of Albania,
"Peoples Republic of Bulgaria,
"Peoples Republic of China,
"Czechoslovak Socialist Republic,
"German Democratic Republic (East Ger-

many),
"Estonia,
"Hungarian Peoples Republic,
"Latvia,
"Lithuania,
"North Korean Peoples Republic,
"North Vietnam,
"Outer Mongolia-Mongolian Peoples Re-

public,
"Polish Peoples Republic,
"Rumanian Peoples Republic,
"Tibet,
"Federal Peoples Republic of Yugoslavia,
"Cuba, and
"Union of Soviet Socialist Republics.

"(g) Notwithstanding any other provision of law, no monetary assistance shall be made available under this Act to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the Administrator that such funds have been diverted by any government for such purpose, no further assistance under this Act shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted.

"(h) The President shall adopt regulations and establish procedures to insure that the United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries."

Chapter 2—Administrative provisions

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) In section 621, which relates to exercise of functions, delete "(a)" and strike out subsections (b), (c), (d), and (e).

(b) Amend section 624, which relates to statutory officers, by striking out subsection (d) and redesignating subsection (e) as subsection "(d)", inserting in paragraph 2(A) of redesignated subsection (d) ", and programs being conducted by United States Government agencies under Public Law 86-735," after "Peace Corps", and inserting in paragraphs (5) and (7) of redesignated subsection (d) ", and Public Law 86-735" after "part II of this Act".

(c) Amend section 625, which relates to employment of personnel, as follows:

(1) In subsection (b) strike out "seventy-six" in the first sentence and substitute "one hundred".

(2) In subsection (d) add the following proviso before the period at the end of paragraph (2): "Provided further, That, whenever the President determines it to be important for the purposes of this Act, the President may initially assign personnel under this paragraph for duty within the United States for a period not to exceed two years for the purpose of preparation for assignment outside the United States; however, the authority contained in this proviso may not be exercised with respect to more than thirty persons in the aggregate."

(3) Amend subsection (f) to read as follows:

"(f) Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering part I or part II of this Act) as well as personnel not employed by the United States Government."

(d) In section 629(b), which relates to status of personnel detailed, strike out "624(e)" in the first sentence and substitute "624(d)".

(e) In section 634(a), which relates to reports and information, insert the following before the period at the end of the second sentence: "and on progress under the freedom of navigation and nondiscrimination declaration contained in section 102".

(f) (1) In section 634(d), which relates to reports and information, strike out "In January of each year" and "preceding twelve months" in the first sentence and substitute "At the end of each fiscal year" and "fiscal year" respectively.

(2) After the first sentence of such section 634(d) insert the following: "There shall also be included in the presentation material submitted to the Congress during its consideration of amendments to this Act, or of any Act appropriating funds pursuant to authorizations contained in this Act, a comparison of the current fiscal year programs and activities with those presented to the Congress in the previous year and an explanation of any changes."

(g) In section 635(h), which relates to general authorities, strike out "and V" and substitute ", V, and VI" and strike out "made".

(h) In section 637(a), which relates to administrative expenses, strike out "1962" and substitute "1963".

Chapter 3—Miscellaneous provisions

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended as follows:

(a) Section 643, which relates to saving provisions, is amended by striking out subsection (d).

(b) Section 644(m), which relates to definitions, is amended by striking out "as grant assistance" in subparagraphs (2) and (3).

(c) Section 645, which relates to unexpended balances, is amended by inserting "this Act or" after "pursuant to".

PART IV—AMENDMENTS TO OTHER LAWS

SEC. 401. Part IV of the Foreign Assistance Act of 1961, as amended, is repealed, which repeal shall not be deemed to affect amendments contained in such part.

SEC. 402. Section 2 of the Act of August 1, 1956 (70 Stat. 890), as amended, is further amended by adding after paragraph (a) the following new paragraph:

"(b) for the purpose of promoting and maintaining friendly relations with foreign countries through the prompt settlement of certain claims, settle and pay any meritorious claim against the United States which is presented by a government of a foreign coun-

try for damage to or loss of real or personal property of, or personal injury to or death of, any national of such foreign country: *Provided*, That such claim is not cognizable under any other statute or international agreement of the United States and can be settled for not more than \$15,000 or the foreign currency equivalent thereof."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House to S. 2996, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes," agree to the conference asked by the House, and that the conferees on the part of the Senate be named by the Chair.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Chair appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. MANSFIELD, Mr. WILEY, Mr. HICKENLOOPER, and Mr. AIKEN conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum be not charged to either side.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE HOLDING OF THE 1963 WHEAT MARKETING QUOTA REFERENDUM

The Chair laid before the Senate the joint resolution (H.J. Res. 809) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, which was read twice by its title.

The VICE PRESIDENT. The joint resolution is before the Senate and open to amendment.

Mr. ELLENDER. Mr. President, the joint resolution would extend the time for holding the 1963 wheat marketing quota referendum. Under existing law it must be held between the date of issuance of the marketing quota proclamation and July 25. Under the joint resolution it could be held at any time up to and including August 31.

Congress has twice extended the time for proclaiming the 1963 marketing quota, which was proclaimed on June 26. On June 11, the Senate also voted to extend the time for holding the referendum until as late as August 25. This provision of Senate Joint Resolution 198, however, was stricken out by the House, and the Senate subsequently agreed to the House amendment. On two oc-

casions in past years the time for holding the referendum has been extended—to as late as August 15 in the case of the 1954 crop, and as late as August 26 in the case of the 1962 crop.

The Senate has passed legislation making changes in the wheat marketing quota law. That legislation has not been acted upon by the House. It now appears that the Senate bill may not be considered by the House. However, it is now July 12. If the referendum is held before July 25, there will have to be a rush job to get the allotments to the farmers before they vote. There will not be time for adequate consideration by the farmers. In order that the 1.8 million allotments may be issued in an orderly fashion and still provide the farmer with some time to make up his mind in the light of his allotment and the current legislative situation, the time for the referendum should be extended.

The House has already acted upon the joint resolution favorably.

I have discussed the matter with the distinguished Senator from North Dakota [Mr. Young] and other members of the Committee on Agriculture and Forestry, and there is no objection to considering the joint resolution at this time.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, was read the third time, and passed.

THE FACILITATION OF SALE AND DISPOSAL OF EXTRA LONG STAPLE COTTON

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1683, H.R. 10595.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10595) to facilitate the sale and disposal of Government stocks of extra long staple cotton.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, the bill has been reported unanimously by the Committee on Agriculture and Forestry and has been passed by the House. The proposal has the full approval of the agencies of Government. I ask that the Senate approve it.

I ask unanimous consent that pertinent portions of the committee report describing the purposes of the bill be made a part of the RECORD.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

This bill provides for disposition of all extra-long-staple cotton in the strategic stockpile. The cotton would be transferred to the Commodity Credit Corporation, which would sell the domestic cotton (about 47,000

bales) only for unrestricted use at not less than 115 percent of the current support price plus reasonable carrying charges, and the foreign cotton (about 172,000 bales) only for export at not less than the world price. Foreign cotton could be disposed of under Public Law 480, 83d Congress, and quantities to be disposed of through commercial and Public Law 480 sales of foreign cotton would be announced periodically by the Secretary of Agriculture.

The domestic cotton, while held by Commodity Credit Corporation, and the foreign cotton at all times would be excluded from marketing quota determinations. (Thus none of the cotton while held by Commodity Credit Corporation would be included in the carryover to reduce the national marketing quota, and exports of foreign cotton would not be included in normal supply to increase the quota, but consumption and exports of domestic cotton would be included in normal supply in the same manner as other domestic cotton). Net proceeds would be covered into the Treasury as miscellaneous receipts.

The committee also had before it a similar Senate bill, S. 2955. The Department of State, Office of Emergency Planning, and General Services Administration reported favorably on S. 2955, with amendments, most of which have since been included in H.R. 10595. The Department of Agriculture's report, which was received after passage of H.R. 10595 by the House of Representatives, recommended amendment of S. 2955 to conform to H.R. 10595, and the committee was advised that all agencies concerned favored H.R. 10595 as passed by the House. Hearings were held by the Committee on Agriculture and Forestry on June 28, and all witnesses favored passage of the bill without amendment.

It will be noted that in his letter of March 30, the Acting Director of the Office of Emergency Planning recommended an amendment which would have required the concurrence of other interested Government departments or agencies in the determination and announcement by the Secretary of Agriculture of disposal quotas. The House of Representatives, after careful consideration of this amendment, determined that such concurrence should not be required, and the Department of Agriculture in its letter of June 5, with Budget Bureau approval, recommended an amendment similar to that proposed by the Acting Director of the Office of Emergency Planning, but omitting the requirement with respect to concurrence by other Government agencies. The Department of Agriculture would, of course, be aware of the interests of other agencies and would take such action as was deemed to be in the best interest of this Government.

BACKGROUND AND HISTORY

During the Korean hostilities, in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (Public Law 79-520), the Munitions Board in the Department of Defense determined that extra-long-staple cotton should be a stockpile material and a stockpile objective for this cotton was established. As a result of these decisions, the Government in the next few years acquired 269,000 bales of extra-long-staple cotton. (In this report, the bales are counted as 500-pound bales rather than as running bales.) The decision to stockpile extra-long-staple cotton was made because military needs could not adequately be provided from domestic production and because the experience in meeting military needs arising in connection with the Korean hostilities had indicated a dangerous, costly dependence upon certain foreign sources of supply. The essential military needs for extra-long-staple cotton were in the form of cordage and webbing, shoelaces, sewing thread, and fine-count military fibers, all of

Public Law 87-540
87th Congress, H. J. Res. 809
July 19, 1962



Joint Resolution

76 STAT. 170.

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, may be conducted not later than August 31, 1962."

Wheat.
Marketing quota,
referendum.
52 Stat. 55.
7 USC 1336.

Approved July 19, 1962.

